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January 11, 2008

VIA ELECTRONIC FILING AND HAND DELIVERY

Honorable Colleen McMahon
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 750
New York, NY 10007

Re: Okraynets v. Metropolitan Transportation Authority, et al.
Docket No. 06 Civ. 7910 (CM)(HBP)
Docket No. 08 Civ. 127 (recently removed and referred)
Our File No. : 00215.00063

Dear Judge McMahon:

This firm represents The Metropolitan Transportation Authority, The New York City Transit Authority and MTA Capital Construction Company ("Defendants") in the above-referenced action.

The purpose of this letter is to request an extension of time to answer the Plaintiff's Complaint in a new, identical action commenced in state court and removed by the Defendants to this Court (Docket No. 08 Civ. 127). Because the action was removed on January 7, 2008, an answer must be served on or before January 14, 2008 (*See*, FRCP Rule 81(c)). We have contacted Plaintiffs' counsel and they have consented to a 60-day extension of time to answer.

Enclosed herewith (but not filed electronically) please find a courtesy copy of the Notice of Removal filed January 7, 2008 and removing this new action from New York Supreme Court, New York County. We indicated on the Civil Cover Sheet that the above-referenced action is related to this new state court action and have asked that it be assigned to Your Honor.

Much time and money has been spent to this point completing discovery in the existing action and getting it trial-ready. It would not be in the interest of this Court, and would certainly

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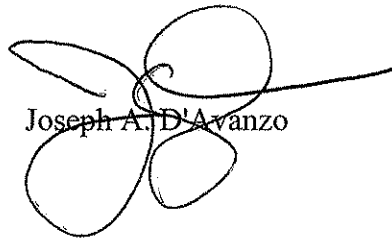
be prejudicial to the Defendants, to require Defendants to answer Plaintiff's new complaint and essentially restart the litigation process for an identical action.

The existing action is scheduled for a final pretrial conference on February 22, 2008 and the trial of that matter is scheduled to commence on March 3, 2008.

Although Plaintiff has consented to a 60-day extension of time to respond to the new complaint, we respectfully request an extension of time to respond to this new complaint until such time as the Court can determine the purpose of this duplicate action and whether or not it is necessary for the Defendants to expend any more time and money in defending an action that is identical to one that is trial ready.

Respectfully yours,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Joseph A. D'Avanzo

Enclosure
JAD:ccd

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